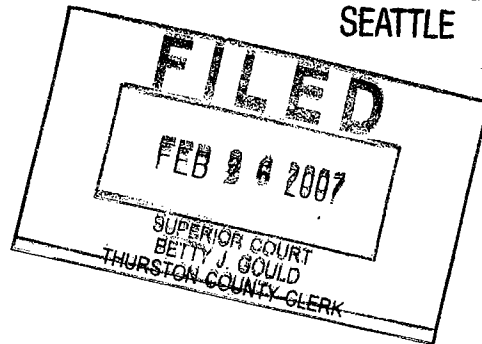


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FEB 28 2007

ATTORNEY GENERAL OFFICE  
SEATTLE



☐ EXPEDITE  
☒ No Hearing Set  
☐ Hearing is Set  
Date:  
Time:

STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT

In Re:

CHILDREN'S MERCY FUND,  
  
Respondent.

NO. 07 - 2 - 00386 - 7

ORDER APPROVING  
ASSURANCE OF  
DISCONTINUANCE PER  
RCW 19.86.100

EX PARTE

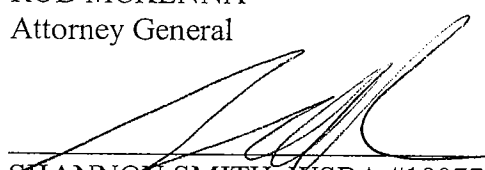
Pursuant to RCW 19.86.100, which authorizes the Attorney General to accept an assurance of discontinuance in the enforcement of the Consumer Protection Act, the Court hereby approves and orders entry of the Assurance of Discontinuance in this matter.

DATED this 27<sup>th</sup> day of Feb, 2007.

CHRISTINE A. POMEROY

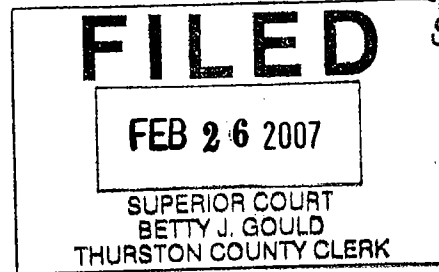
JUDGE/COURT COMMISSIONER

Presented By:  
ROB MCKENNA  
Attorney General

  
SHANNON SMITH, WSBA #19077  
Senior Counsel  
Attorneys for State of Washington

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☐ EXPEDITE  
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Date:  
Time:



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STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT

In Re:

CHILDREN'S MERCY FUND,

Respondent.

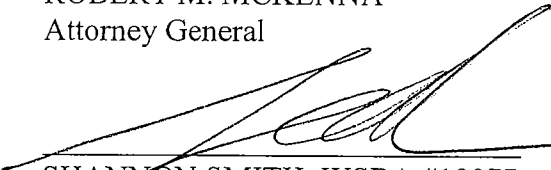
NO. 07 - 2 - 00386 - 7

PETITION FOR ORDER  
APPROVING ASSURANCE OF  
DISCONTINUANCE PER  
RCW 19.86.100

COMES NOW, State of Washington, by and through its attorneys, Rob McKenna, Attorney General; and Shannon Smith, Senior Counsel and petitions this court for an order approving the attached Assurance of Discontinuance. This petition is made pursuant to RCW 19.86.100, which authorizes the Attorney General to accept an assurance of discontinuance in the enforcement of the Consumer Protection Act. A proposed order is enclosed.

DATED this 22 day of February, 2007.

Presented By:  
ROBERT M. MCKENNA  
Attorney General

  
SHANNON SMITH, WSBA #19077  
Senior Counsel  
Attorneys for State of Washington

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FEB 28 2007  
ATTORNEY GENERAL OFFICE  
SEATTLE

☐ EXPEDITE  
☒ No Hearing Set  
☐ Hearing is Set  
Date:  
Time:

FILED

FEB 26 2007

SUPERIOR COURT  
BETTY J. GOULD  
THURSTON COUNTY CLERK

STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT

In re:

NO. 07 - 2 - 00386 - 7

CHILDREN'S MERCY FUND,

ASSURANCE OF  
DISCONTINUANCE

Respondent.

The State of Washington, by and through its attorneys, Rob McKenna, Attorney General, and Shannon E. Smith, Senior Counsel, files this Assurance of Discontinuance pursuant to RCW 19.86.100.

1. The Attorney General initiated an investigation into the charitable registration status of the Respondent, Children's Mercy Fund.

2. The Attorney General deems the following to constitute unfair or deceptive acts or practices in violation of the Consumer Protection Act, RCW 19.86.020, and unfair charitable solicitation practices in violation of the Charitable Solicitation Act, RCW 19.09:

Operating in the state of Washington as a charitable organization that solicits or receives charitable contributions from the general public without registering as a charitable organization with the Washington Secretary of State as required by RCW 19.09.

3. Respondent agrees to cease operating as a charitable organization in the state of Washington unless and until Respondent has successfully registered as a charitable organization with the Washington Secretary of State. If Respondent continues to operate as a charitable

COPY

1 organization in the state of Washington, proof of the registration must be received by the Office of  
2 the Attorney General in order to comply with the requirements of this Assurance of  
3 Discontinuance.

4 4. The Respondent agrees to pay the costs and reasonable attorney's fees incurred by  
5 the Attorney General in pursuing this matter in the amount of \$1,000.00, payable in full upon  
6 signing this Assurance of Discontinuance. Payment shall be made by valid cashier's check, paid  
7 to the order of "Attorney General—State of Washington."

8 5. Respondent shall send the signed Assurance of Discontinuance and the cashier's  
9 check to the Office of the Attorney General, Attention: Donnelle Brooke, Consumer Protection  
10 Division, 800 Fifth Avenue, Suite 2000, Seattle, Washington, 98104-3188.

11 6. This Assurance of Discontinuance shall not be considered an admission of  
12 violation of the Consumer Protection Act or the Charitable Solicitations Act for any purposes, but  
13 failure to comply with this Assurance of Discontinuance shall be *prima facie* evidence of  
14 violations of RCW 19.86.020, thereby placing upon the violator, Children's Mercy Fund, and its  
15 officers, directors, and principals, the burden of defending against imposition by the Court of  
16 damages, injunctions, restitution, and civil penalties of up to \$2000.00 per violation and costs,  
17 including reasonable attorney's fees, including the costs and attorney's fees incurred by the  
18 Attorney General in the foregoing investigation and in preparing this Assurance of  
19 Discontinuance.

20 7. Under no circumstances shall this Assurance of Discontinuance or the name of the  
21 State of Washington, the Office of the Attorney General, the Washington Secretary of State, or  
22 any of its employees or representatives be used by the Respondent or by its officers, employees,  
23 representatives, or agents in conjunction with any business activity of the Respondent.

24 ///

25 ///

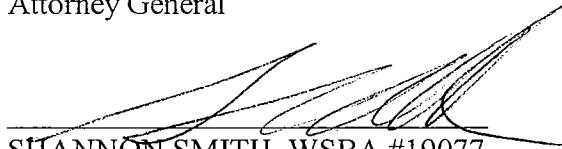
1 8. Nothing in this Assurance of Discontinuance shall be construed so as to limit or  
2 bar any other person or entity from pursuing any legal remedies against the Respondent.

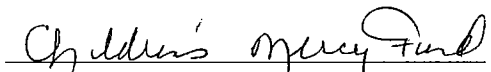
3 9. Agreed to on this 15 day of February, 2007.

4  
5 Approved for Entry and Presented by:

Agreed to, Approved for Entry, Notice of  
Presentation Waived:

6 ROBERT M. MCKENNA  
7 Attorney General

8  
9   
SHANNON SMITH, WSBA #19077  
10 Senior Counsel  
Attorneys for State of Washington

  
CHILDREN'S MERCY FUND by its  
Authorized Representative

11 Additional information relating to the  
12 person authorized by the Children's Mercy  
Fund to sign this Assurance of  
Discontinuance on its behalf:

13 PRINT Name: LEE KESSLER  
14 Signature: [Signature]  
15 Position in Organization: DIRECTOR  
16 Address: 100 N PITT ST #202  
17 Phone: 206 59-8466

SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY

\_\_\_\_\_  
Plaintiff/Petitioner,

vs.

\_\_\_\_\_  
Defendant/Respondent

**FILED**

**FEB 26 2007**

SUPERIOR COURT  
BETTY J. GOULD  
THURSTON COUNTY CLERK

NO. 07-2-00386-7

NOTICE OF ASSIGNMENT/ (NTAS)  
NOTICE OF STATUS CONFERENCE (NTC)

TO: THURSTON COUNTY CLERK  
ATTORNEYS/LITIGANTS

**RECEIVED**  
**FEB 28 2007**  
ATTORNEY GENERAL OFFICE  
SEATTLE

PLEASE TAKE NOTICE:

1. That the above-noted case is assigned to:

**The Honorable Christine A. Pomeroy**

2. That the Status Conference is scheduled for 9:00 a.m. June 01, 2007.

Dated this 26th day of February, 2007.

*All parties should be familiar with Local Civil Rule 16(d) which requires in part that parties or lead counsel attend and that the parties or counsel shall communicate with each other concerning the case schedule order before the status conference.*

THURSTON COUNTY SUPERIOR COURT  
2000 LAKERIDGE DRIVE SW  
OLYMPIA WA 98502  
(360) 786 - 5560

NOTICE OF ASSIGNMENT/  
NOTICE OF STATUS CONFERENCE